



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,103	03/30/2007	Richard Eliot Bates	SCDY 22.344 (100809-00310)	7507
26304	7590	09/17/2008	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			HADIZONOOZ, BANAFSHEH	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			09/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,103	<b>Applicant(s)</b> BATES ET AL.	
	<b>Examiner</b> Banafsheh Hadizonooz	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/02/2006, 02/13/2006</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

In response to the correspondence filed on 01/06/2006, claims 1-19 are pending. This office action is made Non-Final.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sone et al. (US 5,804,752).**

Regarding claims 1 and 15 Sone discloses a karaoke apparatus with individual scoring comprising:

Means for indicating successive target actions to be executed by the user, each target action having an associated time of execution (See Col.3, 48-65), scoring logic in which user actions are compared with the target actions (See Col.7, 24- 50), input arrangement for detecting user actions(e.g. voice processing and microphone)(See Fig.1), means for comparing a detected sequence of user actions with a sequence of target actions(e.g. difference calculator)(See Col.7, 4-23 and Fig.7, element 5031) and means for detecting the timing offset between the sequences of user actions and corresponding sequence of target actions (See Fig.3 and Col.3, 48-65 and Col.4, 25-50).

Regarding claims 2 and 4, Son discloses that the user action involves generation of musical notes (e.g. singing in the microphone) and that the scoring logic is operable to detect that the user has successfully carried out a target action if a musical note is within the tolerance amount(See Col.6, 48-Col.7, 23 and Figs 8B, 8C and 9)

Regarding claim 3, Sone discloses that the target actions indicate a required musical note (See Col.7, 51-65).

With respect to claim 5, Sone discloses that the target actions indicate the required word to be song (e.g. the lyrics), the user action involves singing the required word (e.g. to the microphone) (See Col.4, 10-21) and that the scoring logic is operable to vary the tolerance amount in dependence on the required word (See Col.6, 1-9 and 48-66 and Col.7, 51-65).

Regarding claims 6 and 7 Sone discloses that the scoring logic is arranged to detect a difference in tone between a target musical note and the multiple of user-generated notes and further the scoring logic is operable not to carry out the comparison for a predefined set of words (See Col.8, 11-20 and 32-57).

With respect to claims 8-10, Sone discloses that the successive actions are separated by pauses (e.g. non-vocalization times) (See Col.8, 11-20) in which no user action is expected and wherein the scoring logic is arranged to detect the pauses (e.g. every 50 ms) (See Col.3, 48-65 and Col.7, 5-23).

Regarding claims 11 and 12, the Sone discloses comparing the user action to the target action at timing offsets (See Col.8, 10-20). Sone does not specifically disclose setting the timing offset to zero if the correlation is less that a predetermined value.

Art Unit: 3714

However, the applicant has not disclosed if such feature solves any problem or is of particular purpose. Therefore, setting the timing offset to zero does not patentably distinguish the invention and is considered to be a matter of design choice.

Regarding claims 13 and 14, Sone discloses that the target times of execution define start times and duration in respect of the associated target actions (See Col.4, 25-50)

Claims 16-19 disclose means to perform claims 1 and 15 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

09/12/2006

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714